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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,639	09/05/2003	Paul Durrant	SUN-P7783	8119

32291 7590 07/17/2006

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EXAMINER

CAMPOS, YAIMA

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/656,639	Applicant(s) DURRANT, PAUL	
	Examiner Yaima Campos	Art Unit 2185	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20 and 22-30.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE: (See attachment). The scope of claims 1-20 and 22-30 have been amended to include, at least, the new limitations that "... the first controller monitoring operation of the processor..." and that "... the processor generating a write request to the second random memory location..." These limitations require further consideration and/or search by the examiner.

Response to After-Final Arguments

1. Applicant's arguments filed June 29, 2006 have been fully considered but they are not persuasive.
2. As required by **M.P.E.P. § 707.07(f)**, a response to these arguments appears below.

I. PROPOSED AMENDMENT

3. The scope of claims 1-20 and 22-30 have been amended to include, at least, the new limitations that "... the first controller monitoring operation of the processor..." and that "... the processor generating a write request to the second random memory location..." These limitations require ~~further~~ ^{Further} consideration and/or search by the examiner.

4. Applicant should note that if the claims are amended in the manner proposed, the references Garret et al. (US 6,408,369) and McKenney (US 6,230,241) in view of Kinjo et al. (US 5,701,437) read on the proposed amendment to claims 1 and 22 (Please refer to Final Rejection mailed April 18, 2006 for rejection to claims 13 and 28).

II. ARGUMENTS CONCERNING PRIOR ART REJECTION

1st POINT OF ARGUMENT:

5. With respect to Applicant's remarks in Part (A) of Amendment After Final Rejection that the reference Kinjo et al. (US 5,701,437) for the rejection of claims 13 and 28 was first presented on Final Rejection; examiner strongly disagrees. Claims 13 and 28 were rejected over Garret et al. (US 6,408,369) in view of Kinjo et al. (US 5,701,437) in the Non Final Rejection mailed to

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Applicant on November 9, 2005 (Pages 14-16). Applicant had the opportunity to argue this rejection in the Response to Non Final Rejection dated February 13, 2006; however, Applicant appears to have chosen not to specifically argue claims 13 and 28. These arguments were only presented to the examiner after Final Rejection mailed April 18, 2006.

2nd POINT OF ARGUMENT:

6. With respect to Applicant's remarks that Kinjo et al. (US 5,701,437) does not teach interrupting transmission of data during a copy operation before the entire quantity of data is copied. It is the examiner's position that this limitation is taught by Kinjo as [**"means for canceling the copy operation of the address when the write address coincides with the address subjected to the memory copy operation, and the write access is performed before the memory copy operation is performed"** (Column 2, lines 16-20); therefore, interrupting copy operations (Please also refer to Non Final Rejection Mailed November 9, 2005; Pages 14-16)].

7. All arguments by the applicant are believed to be covered in the body of the office action or in the above remarks and thus, this action constitutes a complete response to the issues raised in the remarks dated June 29, 2006.

III. CLOSING COMMENTS

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaima Campos whose telephone number is (571) 272-1232. The


examiner can normally be reached on Monday to Friday 8:30 AM to 5:00 PM.

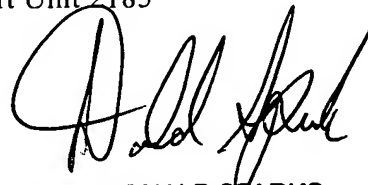
IMPORTANT NOTE

9. If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Donald Sparks, can be reached at the following telephone number: Area Code (571) 272-4201.

10. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 7, 2006


Yaima Campos
Examiner
Art Unit 2185


DONALD SPARKS
SUPERVISORY PATENT EXAMINER